

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-210199**DATE:** July 11, 1983**MATTER OF:** Gulf Outlet Energy Corporation**DIGEST:**

Where the agency and protester disagree as to the transportation costs which should have been added to the protester's bid for evaluation purposes, but the protester has furnished no evidence that the agency's calculations are incorrect, the protester has failed to meet its burden of affirmatively proving its case.

Gulf Outlet Energy Corporation (Gulf) protests the rejection of its bid as nonresponsive to invitation for bids No. DLA600-82-B-0205, issued by the Defense Logistics Agency (DLA). We deny the protest.

The solicitation requested bids for fuel oil for various Federal agencies at numerous locations throughout the United States, including a line item for Venice, Louisiana. DLA received three bids for the item. Gulf's bid was determined to be nonresponsive because it failed to list Venice, Louisiana, as its origin source.

Gulf contends that its bid should not be rejected because it indicated the Mississippi River Gulf Outlet dock rather than Venice as its origin source. Gulf maintains that when transportation costs are added to its low bid for the fuel, the bid is still low.

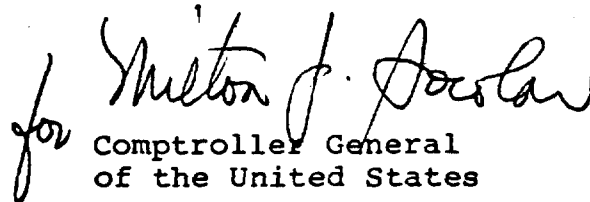
DLA refutes these arguments. The Agency also analyzes the cost of transporting the fuel. The analysis shows that if transportation costs were added to Gulf's bid, it would no longer be low.

Assuming for the sake of argument that Gulf's bid is responsive, we do not find Gulf's bid to be low. The protester has the burden of affirmatively proving

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its case. Reliable Maintenance Service, Inc.--Request for Reconsideration, B-185103, May 24, 1976, 76-1 CPD 382. Where conflicting statements of the protester and contracting agency constitute the only available evidence concerning transportation costs, the protester has not met this burden of proof. Arsco International, B-202607, July 17, 1981, 81-2 CPD 46; Del Rio Flying Service, Inc., B-197448, August 6, 1980, 80-2 CPD 92. In response to Gulf's evaluation, DLA provided a detailed analysis of the cost of transporting the fuel. This analysis shows that when transportation costs are added to Gulf's bid for evaluation purposes, the bid is no longer low. Gulf has not furnished any evidence that DLA's calculations are incorrect. Thus, based upon this record, Gulf has not satisfied its burden of affirmatively proving its case. Therefore, even if responsive, Gulf would not be the low bidder.

Protest denied.

for 
Comptroller General
of the United States